

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Gennaro & Michele Rizziello

Case No.: 21-16701

Judge: Kaplan

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE**

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JZ

Initial Debtor: GR

Initial Co-Debtor: MR

Part 1: Payment and Length of Plan

a. The debtor shall pay \$2,950 per month to the Chapter 13 Trustee, starting on September 1, 2021 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Although paragraph 45 on Form 122C-2 details a "monthly disposable income" of \$2,729, the Form also includes "deductions" of income of \$286 for "sick buy back" (which was a one-time payment that will not be repeated) and of \$132 for "retro pay" (which was a one-time payment that will not be repeated), for a total deduction of \$418. Hence, subtracting \$2,729 (from paragraph 45) minus \$418 (from paragraph 46) equals a corrected "monthly disposable income" of \$2,311. Factoring attorney fee balance plus 10% Trustee commission, results in a required payment of \$2,606 by Form 122C-2. Schedules I&J show a disposable income of \$3,307; so adding the two numbers together then splitting them in half equals \$2,956.

Part 2: Adequate Protection x ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$3,550

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

x ☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Quicken Loans	house	\$0		\$0	to be maintained

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
US Bank	car	\$0		\$0	To be maintained

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments x ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender x ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan x ☐ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions x ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). x ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. x ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Law Office of Peter Zimnis
- 3) Secured Creditors
- 4) Priority Creditors
- 5) General Unsecured Creditors

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE** NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LRP 2015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

SIGNATURES

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: _____

/s/ John Zimnis
Attorney for Debtor(s)

Date: _____

/s/ Gennaro Rizziello
Debtor

Date: _____

/s/ Michele Rizziello
Joint Debtor

In re:
Gennaro R Rizziello
Michele A Rizziello
Debtors

Case No. 21-16701-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Aug 30, 2021

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 40

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 01, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Gennaro R Rizziello, Michele A Rizziello, 8 Black Pine Drive, Hamilton, NJ 08610-1306
519291462	+ AMEX, PO Box 1270, Newark, NJ 07101-1270
519291463	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, 4161 Piedmont Pkwy, Greensboro, NC 27410
519291464	+ Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014
519291466	+ Capital One (Bass Pro Shops), PO Box 30285, Salt Lake City, UT 84130-0285
519291477	+ DSRM/Valero, PO Box 300, Amarillo, TX 79105-0300
519291476	+ Discover Personal Loans, PO Box 71244, Charlotte, NC 28272-1244
519291480	+ FNB Omaha, PO Box 2557, Omaha, NE 68103-2557
519291479	+ First Bank Card, PO Box 2557, Omaha, NE 68103-2557
519291481	+ Fulton Bank (Cardmember Services), PO Box 6354, Fargo, ND 58125-6354
519291483	+ HSBC Bank, PO Box 5253, Carol Stream, IL 60197-5253
519291490	+ Synch/BP/Amoco, PO Box 965024, Orlando, FL 32896-5024
519291493	+ TD Bank, PO Box 16027, Lewiston, ME 04243-9513
519291492	+ Target, PO Box 59317, Minneapolis, MN 55459-0317
519291495	+ USAA, 10750 McDermott Fwy, San Antonio, TX 78288-1600
519291496	#+ Wells Fargo, 101 N. Phillips Avenue, Sioux Falls, SD 57104-6714

TOTAL: 16

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Aug 30 2021 20:14:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Aug 30 2021 20:14:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
519291474	Email/Text: Bankruptcy.RI@Citizensbank.com	Aug 30 2021 20:14:00	Citizens Bank, 1 Citizens Drive, Riverside, RI 02915
519291465	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Aug 30 2021 20:16:23	Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
519291467	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Aug 30 2021 20:16:07	Capital One (Wal Mart), PO Box 30285, Salt Lake City, UT 84130-0285
519291469	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:38	Citibank, PO Box 6500, Sioux Falls, SD 57117-6500
519291470	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:34	Citibank (Exxon Mobil), PO Box 6500, Sioux Falls, SD 57117-6500
519291471	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:38	Citibank (Home Depot), PO Box 6500, Sioux

District/off: 0312-3

User: admin

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Date Rcvd: Aug 30, 2021

Form ID: pdf901

Total Noticed: 40

			Falls, SD 57117-6500
519291472	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:43	Citibank (Sears), PO Box 6500, Sioux Falls, SD 57117-6500
519291473	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:43	Citibank (Shell), PO Box 6500, Sioux Falls, SD 57117-6500
519291478	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:43	FDS Bank/DSNB/Macys, 9111 Duke Blvd, Mason, OH 45040
519291485	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 30 2021 20:26:43	Macy's, PO Box 8228, Mason, OH 45040
519291475	+ Email/Text: mrdiscen@discover.com	Aug 30 2021 20:14:00	Discover, PO Box 71084, Charlotte, NC 28272-1084
519295302	Email/Text: mrdiscen@discover.com	Aug 30 2021 20:14:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
519291482	+ Email/PDF: gecsedl@recoverycorp.com	Aug 30 2021 20:16:23	GEMB/Lowes, PO Box 981400, El Paso, TX 79998-1400
519291468	Email/PDF: ais.chase.ebn@americaninfosource.com	Aug 30 2021 20:15:52	Chase Bank USA, 800 Brooksedge Blvd, Westerville, OH 43081
519291484	+ Email/Text: PBNCNotifications@peritusservices.com	Aug 30 2021 20:14:00	Kohls, PO Box 2983, Milwaukee, WI 53201-2983
519291486	+ Email/Text: bankruptcyteam@quickenloans.com	Aug 30 2021 20:14:00	Quicken Loans, 1050 Woodward Avenue, Detroit, MI 48226-3573
519291487	+ Email/PDF: gecsedl@recoverycorp.com	Aug 30 2021 20:16:23	Synco, PO Box 965001, Orlando, FL 32896-5001
519291488	+ Email/PDF: gecsedl@recoverycorp.com	Aug 30 2021 20:16:07	Synco (Mattress Firm), PO Box 965001, Orlando, FL 32896-5001
519291489	+ Email/PDF: gecsedl@recoverycorp.com	Aug 30 2021 20:16:23	Synco/American Eagle, PO Box 965036, Orlando, FL 32896-5036
519291491	+ Email/PDF: gecsedl@recoverycorp.com	Aug 30 2021 20:16:23	Synco/PC Richard, PO Box 965033, Orlando, FL 32896-5033
519292738	+ Email/PDF: gecsedl@recoverycorp.com	Aug 30 2021 20:16:24	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
519291494	Email/Text: RPSBankruptcyBNCNotification@usbank.com	Aug 30 2021 20:14:00	US Bank, PO Box 790179, Saint Louis, MO 63179

TOTAL: 24

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 01, 2021

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin

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Date Rcvd: Aug 30, 2021

Form ID: pdf901

Total Noticed: 40

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 27, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Rocket Mortgage LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
John Zimnis	on behalf of Joint Debtor Michele A Rizziello njbankruptcyaw@aol.com.
John Zimnis	on behalf of Debtor Gennaro R Rizziello njbankruptcyaw@aol.com.
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5